

N.J.A.C. 5:23-12.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 15, August 5, 2019

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§ 5:23-12.1 Title; scope; intent; definitions

(a) This subchapter of the rules adopted pursuant to the authority of the Uniform Construction Code Act, entitled "Elevator Safety Subcode," shall be known and cited throughout this chapter as subchapter 12 or N.J.A.C. 5:23-12, and when referred to in this subchapter may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to administration of tests and inspections of elevator devices as defined in (e) below.

(d) It is the purpose of this subchapter to enhance the public safety, health, and welfare by ensuring that elevator devices as defined in this subchapter are inspected, tested, and maintained in accordance with nationally recognized, referenced standards and in accordance with the established inspection cycle for the building.

(e) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or, a power driven, inclined, continuous stairway used for raising or lowering passengers; or, a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, without limitation, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts, and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators), ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts), or ASME A90.1 (Safety Standard for Belt Manlifts).

1. This definition shall not apply to any conveying devices and process equipment. Conveying devices include special purpose personnel elevators, mine elevators, marine elevators, wind turbine tower elevators, outside emergency elevators, material hoists, conveyors, and any other device outside of the scope of ASME A17.1, A18.1, or A90.1.

(f) The following terms, when used in this subchapter, shall have the following meanings:

1. "Routine inspections" shall mean the examination of elevator devices at six-month intervals where visual inspections are performed to check for compliance with the applicable requirements. The scope and performance of such inspections shall be as required by this subchapter.

2. "Periodic inspections and tests" shall mean the periodic inspections and tests of elevator devices at yearly intervals where inspections are performed by an elevator inspector and tests are witnessed by an elevator inspector to check for compliance with the applicable requirements. The category of such tests and scope of these inspections and tests shall be as required by this subchapter.

3. "Cyclical inspections" or "cyclical testing" shall mean the inspections or tests performed on each elevator device on a schedule established by the enforcing agency in accordance with this subchapter, including, but not limited to, routine inspections and periodic inspections and tests.

History

HISTORY:

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (e), inserted ", ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts),"; and in (e)1, substituted "conveying devices," for "conveyor devices that are", inserted ", and mine elevators" and inserted the last sentence.

Amended by R.2016 d.116, effective September 19, 2016.

See: [48 N.J.R. 531\(a\)](#), [48 N.J.R. 1908\(a\)](#).

In the introductory paragraph of (e), inserted a comma following "chairlifts"; and rewrote (e)1.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Section was "Title; scope; intent". Rewrote (d); and added (f).

Annotations

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§ 5:23-12.2 Referenced standards

(a) Periodic and acceptance tests and inspections, if applicable, shall be required on all new, altered, and existing elevators, dumbwaiters, moving walks, wheelchair lifts, manlifts, and stairway chairlifts. The required cyclical inspections and tests shall be performed in accordance with the most recent edition of AME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. This subsection shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

1. Periodic, routine, and acceptance tests and inspections, as applicable, shall be required on all new, altered, and existing escalators.

(b) All operating and electrical parts and accessory equipment for elevator devices shall be maintained in safe operating condition. The elevator devices shall be maintained to conform to the applicable safety standard in effect at the time of the installation and/or alteration. The maintenance of elevator devices shall conform to the most recent edition of ASME A18.1 or ASME A90.1, or ASME A17.1 referenced in the building subcode. Additionally, maintenance of ASME A17.1 elevator devices shall be in accordance with (c) below. Checklists of maintenance performed according to the applicable six-month inspection section of ASME A17.1 shall be maintained by the building owner and the owner shall make such records available to the authority having jurisdiction.

(c) Maintenance of elevator devices installed under ASME A17.1 shall conform with the following:

1. Maintenance of elevator devices installed under ASME A17.1 shall comply with Sections 8.6.1 through 8.6.12 except for: 8.6.1.2.1, 8.6.1.3, 8.6.1.4, 8.6.1.6.3(a), 8.6.1.6.5, 8.6.5.8, 8.6.7.3, 8.6.7.4, 8.6.7.8, 8.6.7.9, 8.6.8.2, 8.6.8.3, 8.6.11.3, 8.6.11.4, 8.6.11.6, 8.6.11.7, 8.6.11.8, 8.6.12.1.2, 8.6.12.2.2, 8.6.12.2.4, 8.6.12.2.5, 8.6.12.2.6, and 8.6.12.3.4.

2. Additionally, escalators installed under ASME A17.1-2000 and later editions shall comply with sections 8.6.8.2(d) and 8.6.8.3.

3. Where unique or product-specific procedures or methods are required to inspect or test equipment, such procedures or methods shall be made available to the owners and kept where they are readily available to the authority having jurisdiction, authorized and elevator personnel.

(d) If, upon inspection of any elevator device subject to the requirements of this subchapter, the equipment is found to be in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, or if the design, or the method of operation in combination with the design, of the device is determined to be inherently dangerous by the elevator subcode official, the elevator subcode official shall so advise the construction official so that a notice of unsafe structure may be issued pursuant to [N.J.A.C. 5:23-2.32](#).

(e) Inspection and testing procedures for equipment within the scope (section 1) of the ASME A17.1 Safety Code for Elevators and Escalators shall be performed in accordance with the latest edition of ASME A17.2.

(f) Any education, experience or training requirements included or cited in reference standards shall not be binding in this State.

History

HISTORY:

Amended by R.1993 d.662, effective December 20, 1993.

See: [25 N.J.R. 3891\(a\)](#), [25 N.J.R. 5918\(a\)](#).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a), added R-5 to the list of groups.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (a) and (b), inserted ", ASME A18.1, or ASME A90.1"; and in (b), substituted "elevator devices" for "elevators, dumbwaiters and escalators".

Amended by R.2009 d.255, effective August 17, 2009.

See: [41 N.J.R. 1919\(a\)](#), [41 N.J.R. 3065\(a\)](#).

Rewrote (b).

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

In (b), deleted "or devices" following "equipment" and inserted the last sentence; and added new (c) to replace reserved (c).

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (a) and (b).

Annotations

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§ 5:23-12.3 Inspection and test schedule

(a) Periodic and acceptance inspections and test of elevators shall be conducted as follows:

1. Periodic inspections shall be made at intervals of not more than six months for all escalators. Inspection intervals for ASME A17.1 elevator devices other than escalators shall not exceed those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode, provided that cyclical inspections shall not be required more frequently than once a year. Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.
2. Periodic tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode, provided that cyclical tests shall not be required more frequently than once a year. Cyclical testing of manlifts, stairway chairlifts, and wheelchair lifts shall be at intervals not exceeding one year.
3. Periodic inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. Periodic tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.
4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by [N.J.A.C. 5:23-12.9](#).
 - i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between cyclical inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.
 - ii. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from required cyclical routine and periodic inspections and tests, as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are still included in the alteration permit, shall be subject to the required cyclical routine and periodic inspections and tests within the cycle of inspections in the building.
 - iii. Elevator devices that have been removed from service as per ASME A17.1, A18.1, or A90.1 as applicable, are exempt from the required cyclical routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of [N.J.A.C. 5:23-2.17A](#).
 - iv. Elevator devices that are used for construction purposes as per ASME A17.1 referenced in the building subcode are subject to inspections and tests required by ASME A17.1 for elevators used

for construction. Such devices shall not be accessible to the public. During the operation of the device for construction purposes the owner shall assure that the device is used only for construction purposes by providing a designated operator, authorizing of key operation or by other methods acceptable to the elevator subcode official.

5. Elevator devices in structures of Group R-3, R-4, or R-5, except those elevator devices accessible to the public, shall be exempt from periodic inspection and test requirements. Elevator devices wholly within the dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt. In addition, signed statements and supporting inspection and acceptance test reports, filed by an approved qualified agent or agency for elevator devices in such structures, other than elevator devices accessible to the public, may be accepted by the construction official, in accordance with [N.J.A.C. 5:23-2.19](#) and [2.20](#), in lieu of inspections performed by and acceptance tests witnessed by the enforcing agency for work requiring a permit. If the construction official designates the elevator subcode official to perform the inspection and to witness the acceptance test for work under a permit in such structures, those inspections and tests shall ensure compliance with the requirements of the code(s) under which the permit was issued.

History

HISTORY:

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Added (a)4 and 5.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a)5, substituted "structures of Group R-3, R-4, or R-5" for "structures classified as Use Group R-3 and R-4", inserted "the" preceding "acceptance test for work" and substituted "ensure" for "assure" preceding "compliance".

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (a)1, inserted "Appendix N-1 of", substituted a comma for "and" following "escalators" and inserted a comma following "dumbwaiters"; in (a)2, inserted "Appendix N-1 of" and inserted the last sentence; in (a)4ii, inserted ", A18.1 or A90.1 as applicable" and substituted "the applicable safety code" for "ASME A17.1".

Amended by R.2012 d.134, effective July 16, 2012.

See: [44 N.J.R. 613\(a\)](#), [44 N.J.R. 1970\(a\)](#).

Added new (a)4i; and recodified former (a)4i through (a)4iii as (a)4ii through (a)4iv.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (a).

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§ 5:23-12.4 Registration of elevator devices

(a) On or before July 1, 1992, and thereafter as required by (e) below, the owner of every existing structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or other than an elevator device wholly within a dwelling unit in a structure of Group R-2 that is not accessible to the general public, shall register each elevator device with the Department on a form provided by the Commissioner.

(b) The owner of every new structure containing one or more elevator devices or with a newly installed elevator in an existing building shall register each elevator device with the Department, on a form provided by the Commissioner, prior to the issuance of a certificate of occupancy or certificate of approval as the case may be.

1. Exception: Elevators within a building of Group R-3, R-4, or R-5 shall not be required to be registered.

(c) Each filed registration form shall contain the following information for each elevator device:

1. The identification or code number for each individual device;
2. The name, and the address of the New Jersey office or New Jersey residence, of the device's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept service of process;
3. The mailing address and phone number of the person listed in (c)2 above;
4. The street address of the building or structure, including lot and block number, where the device is located;
5. The type of device;
6. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;
7. The rating load of the device in pounds;
8. The occupancy load in number of persons;
9. The speed of the elevator in feet per minute;
10. The manufacturer of the device;
11. The date of installation, if known, and date of last inspection performed; and
12. Special devices, such as, but not limited to, oil buffers, counterweights, governors and safeties, and auxiliary power generators.

(d) Each construction official shall provide the Department with the following information concerning each device within the municipality:

1. The name and mailing address of the owner or owner's representative of each device; and
2. The street address, including lot and block number, where the device is located.

(e) If the ownership of a structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or a device in a structure of Group R-2 exempted under (a) above, is transferred, whether by sale, gift, assignment, interstate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file a notice of change of ownership, with the appropriate re-registration fee, with the Department within 60 days of the date of transfer. A device in a structure of Group R-2 exempted by (a) above, which, because of alterations in design or changes in ownership or management, is no longer wholly within one residential unit, or which otherwise becomes accessible to the general public, shall be registered within 60 days of its change in status.

(f) No permit shall be issued for work to be performed on an existing device if that device is not registered as required by this section.

(g) Each construction official shall review the list of the registered buildings/devices provided by the Department, and shall notify the Department of any changes that need to be made.

(h) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

History

HISTORY:

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Added (f) and (g).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Inserted references to Group R-5 throughout.

Amended by R.2004 d.270, effective July 19, 2004.

See: [36 N.J.R. 1635\(a\)](#), [36 N.J.R. 3397\(c\)](#).

In (c), rewrote 2; added (h).

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (b), substituted "or with a newly installed elevator in an existing building" for ", other than a structure of Group R-3, R-4, or R-5," and inserted "or certificate of approval as the case may be"; and added (b)1.

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§ 5:23-12.5 Registration fee

The initial registration fee for each elevator device in any structure that is not of Group R-3, R-4, or R-5, or that is not an exempted structure of Group R-2, shall be \$ 76.00. A reregistration fee of \$ 76.00 shall be required for each structure containing one or more elevator devices, upon change of ownership.

History

HISTORY:

Amended by R.1992 d.147, effective April 6, 1992.

See: [24 N.J.R. 170\(a\)](#), [24 N.J.R. 1397\(a\)](#).

Elevators wholly within R-2 residences exempt.

Amended by R.1992 d.392, effective October 5, 1992.

See: [24 N.J.R. 2657\(a\)](#), [24 N.J.R. 3521\(b\)](#).

Fees increased by \$ 4.00.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Added R-5 to the list of groups.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

Substituted "\$ 68.00" for "\$ 54.00" twice.

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

Updated the fee amounts.

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§ 5:23-12.6 Test and inspection fees

(a) The Departmental fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:

1. The basic fees for elevator devices in structures not of Group R-3, R-4, or R-5, or in an exempted structure of Group R-2, shall be as follows:

- | | |
|---|------------|
| i. Traction and winding drum elevators: | |
| (1) One to 10 floors | \$ 340.00; |
| (2) Over 10 floors | \$ 567.00; |
| ii. Hydraulic elevators | \$ 302.00; |
| iii. Roped hydraulic elevators | \$ 340.00; |
| iv. Escalators, moving walks | \$ 302.00; |
| v. Dumbwaiters | \$ 76.00; |
| vi. Stairway chairlifts, inclined and vertical wheelchair lifts, and manlifts | \$ 76.00. |

2. Additional charges for devices equipped with the following features shall be as follows:

- | | |
|---|------------|
| i. Oil buffers (charge per oil buffer) | \$ 60.00; |
| ii. Counterweight governor and safeties | \$ 151.00; |
| iii. Auxiliary power generator | \$ 114.00. |

3. The Departmental fee for elevator devices in structures of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be \$ 227.00 except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$ 76.00. These fees shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with [N.J.A.C. 5:23-2.19](#) and [2.20](#).

4. The fee for performing inspection of minor work shall be \$ 76.00.

(b) The Departmental fee for required routine and periodic inspections and tests for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of escalators shall be \$ 211.00.

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices shall be as follows:

- | | |
|---|------------|
| i. Traction and winding drum elevators: | |
| (1) One to 10 floors | \$ 302.00; |
| (2) Over 10 floors | \$ 362.00; |
| ii. Hydraulic elevators | \$ 227.00; |

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iii. Roped hydraulic elevators	\$ 302.00;
iv. Moving walks	\$ 484.00;
v. Dumbwaiters	\$ 120.00;
vi. Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts	\$ 183.00;
vii. Escalators	\$ 484.00.

3. Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

i. Oil buffers (charge per oil buffer)	\$ 60.00;
ii. Counterweight governor and safeties	\$ 120.00;
iii. Auxiliary power generator	\$ 76.00.

4. The fee for the three-year or five-year inspection of elevator devices shall be as follows:

i. Traction and winding drum elevators:	
(1) One to 10 floors (five-year inspection)	\$ 513.00;
(2) Over 10 floors (five-year inspection)	\$ 646.00;
ii. Hydraulic and roped hydraulic elevators:	
(1) Three-year inspection	\$ 387.00;
(2) Five-year inspection	\$ 227.00.

(c) When the Department is the enforcing agency, the fees set forth in (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five-year period:

1. Basic annual fee as follows:

i. Traction and winding drum elevators:	
(1) One to 10 floors	\$ 339.00;
(2) Over 10 floors	\$ 409.00;
ii. Hydraulic elevators	\$ 258.00;
iii. Roped hydraulic elevators	\$ 232.00;
iv. Moving walks	\$ 484.00;
v. Dumbwaiters	\$ 120.00;
vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts	\$ 182.00;
vii. Escalators	\$ 695.00.

2. Additional charges for devices equipped with the following features as follows:

i. Oil buffers (charge per oil buffer)	\$ 60.00;
ii. Counterweight governor and safeties	\$ 120.00;
iii. Auxiliary power generator	\$ 76.00.

(d) The fee for any reinspection of an elevator device shall be set at \$ 203.00 and shall be billed separately from the above fees upon the issuance of a Notice of Violation necessitating a reinspection.

History

HISTORY:

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fees increased.

Administrative Correction.

See: 27 N.J.R. 321(a).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: [28 N.J.R. 2112\(a\)](#), [28 N.J.R. 3549\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Inserted references to R-5 throughout.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

Updated the fees throughout; in the introductory paragraph of (a), deleted a comma following "new"; in the introductory paragraph of (b)1, substituted "six-month" for "six month"; in the introductory paragraph of (b)2, substituted "one-year" for "one year" and "six-month" for "six month"; in the introductory paragraph of (b)4, substituted "three-year" for "three year" and "five-year" for "five year"; and in (b)4i(1), (b)4i(2), and the introductory paragraph of (c), substituted "five-year" for "five year".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#)

Updated the fee amounts throughout; in (b)4i(2), substituted "five-year" for "five year"; in (b)4ii(1), substituted "Three-year" for "Three year"; and in (b)4ii(2), substituted "Five-year" for "Five year".

Amended by R.2016 d.031, effective April 4, 2016.

See: [47 N.J.R. 2323\(a\)](#), [48 N.J.R. 581\(a\)](#).

In (a)3, inserted "except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$ 76.00", and substituted "These fees" for "This fee".

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (b) and (c); and added (d).

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[N.J.A.C. 5:23-12.7](#)

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§ 5:23-12.7 Licensing

- (a) All elevator subcode officials and inspectors shall be licensed according to [N.J.A.C. 5:23-5.5](#).
- (b) Any person aggrieved by any decision of the Department under these rules shall be entitled to a hearing pursuant to [N.J.A.C. 5:23-5.2](#).
- (c) A licensed elevator subcode official or inspector shall be responsible for completing any continuing educational requirements imposed by the Department pursuant to this chapter prior to license renewal pursuant to N.J.A.C. 5:23-5.

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[N.J.A.C. 5:23-12.8](#)

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§ 5:23-12.8 Alterations, minor work, ordinary elevator maintenance

(a) For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined in [N.J.A.C. 5:23-2.7\(c\)6](#). Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

1. For purposes of the elevator subcode, "alteration" shall mean stand-alone projects undertaken on elevator devices and shall not be used to trigger any additional requirements of [N.J.A.C. 5:23-6.6](#). If work on an elevator device or devices is part of a larger scope of work, then the appropriate category of work, as determined under the Rehabilitation Subcode, and the accompanying requirements shall apply.

(b) For the purposes of this subchapter, minor work on an elevator device shall mean work as outlined below and meeting the applicable sections and Appendix L of ASME A17.1, adopted by reference in the building subcode:

1. Alteration to hoistway enclosures--Sections 8.7.2.1.1 and 8.7.3.1 only as it pertains to Section 8.7.2.1.1;
2. Alteration to construction at top of hoistways--Section 8.7.2.1.3. Exception: Section 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
3. Alteration at the bottom of hoistways--Section 8.7.2.1.4. Exception: Section 5.2.1.4.2 for Limited-Use/Limited-Application elevators (LULA);
4. Alteration to hoistways that affect control of smoke and hot gases--Section 8.7.2.1.5;
5. Construction and alteration of machine room and machinery spaces--Sections 8.7.2.7 and 8.7.3.7;
6. Installation and alteration of electrical equipment, wiring, pipes and ducts in hoistway and machine rooms--Sections 8.7.2.8 and 8.7.3.8;
7. Replacement of a controller, without any change in the type of operation or control--[N.J.A.C. 5:23-6.8\(i\)4](#);
8. Alteration to pits--Sections 8.7.2.2 and 8.7.3.2;
9. Alteration to bottom and top of car and counterweight clearances and runbys--Sections 8.7.2.4 and 8.7.3.4. Exception: Sections 5.2.1.4.2 and 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
10. Alteration to horizontal car and counterweight clearances--Sections 8.7.2.5 and 8.7.3.5;
11. Additions, alterations or replacements of hoistway entrances--Sections 8.7.2.10 and 8.7.3.10;
12. Installation or alteration of hoistway door locking devices, access switches, parking devices and unlocking devices--Sections 8.7.2.11 and 8.7.3.11;

13. Alteration or addition of power operation of hoistway doors--Sections 8.7.2.12 and 8.7.3.12;
14. Alteration of spring buffers and bumpers--Sections 8.7.2.23 and 8.7.3.27;
15. Alteration of counterweights--Sections 8.7.2.22 and 8.7.3.26, with the exception of the addition of counterweights to previously uncounterweighted elevators;
16. Alteration of car frames and platforms--Sections 8.7.2.15.1 and 8.7.3.14;
17. Alteration of car enclosures, car doors, gates, and illumination of cars--Sections 8.7.2.14, with the exception of the installation of new cars, and 8.7.3.13;
18. Alteration to car emergency signaling devices--Sections 8.7.2.28 and 8.7.3.31.8(a);
19. Use of freight elevators to carry passengers, hydraulic elevators only--Section 8.7.2.16.3;
20. Relocation of power unit--Section 8.7.3.23.6;
21. Replacement or alteration of tanks -- Section 8.7.3.29;
22. Addition or alteration of top-of-car operating devices--Sections 8.7.2.27.1 and 8.7.3.31.1;
23. Addition or alteration or car-leveling or truck-zoning--Section 8.7.2.27.2 and 8.7.3.31.2;
24. Alteration of anti-creep leveling devices--Section 8.7.3.31.3;
25. Change of power supply, hydraulic elevators only--Section 8.7.3.31.4;
26. Addition of rope equalizers -- Sections 8.7.2.21.2 and 8.7.3.25.2;
27. Addition of auxiliary rope-fastening devices--Section 8.7.2.21.3;
28. Alteration of manual operating devices which are provided to manually operate elevators in case of power failure or an alteration to auxiliary power lowering operation--Section 8.7.3.31.9;
29. Alteration of handrails on escalators and moving walks--Sections 8.7.6.1.6 and 8.7.6.2.6;
30. Alteration or addition of lighting and access to interiors and related electrical work--Sections 8.7.6.1.14 and 8.7.6.2.14;
31. Alteration of entrances or egresses on escalators--Section 8.7.6.1.15;
32. Protection of Floor Openings--Sections 8.7.6.1.3 and 8.7.6.2.3; and
33. Protection of Trusses and Machinery Spaces Against Fire--Sections 8.7.6.1.4 and 8.7.6.2.4.

History

HISTORY:

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

Section was "Alterations, replacements, damages, increases in size, changes in use group, minor work, ordinary repairs". Rewrote the section.

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Added (a)1.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (a), updated the N.J.A.C. reference.

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§ 5:23-12.9 Certificate of compliance requirements

(a) A device shall be granted a certificate of compliance by the construction official for the time period specified based upon [N.J.A.C. 5:23-12.3](#). No device shall be operated unless a valid certificate of compliance has been issued except for the initial period after work under a permit has been completed as per (f) below. Any violation shall be corrected before a new certificate of compliance may be issued.

(b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than the inspection cycle.

(c) The elevator subcode official shall provide written notice to the construction official whenever a temporary certificate of compliance or certificate of compliance is granted by the construction official.

(d) No certificate of compliance shall be issued for any elevator device in use on or before July 1, 1992 that is subject to these rules and is not registered with the Department in accordance with [N.J.A.C. 5:23-12.4](#), except elevator devices in structures classified as Group R-3, R-4, or R-5 shall be exempt from registration. Elevator devices wholly within dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt.

(e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant to this subchapter by its first cyclical inspection, even if a certificate of occupancy, temporary certificate of occupancy, or certificate of approval has been issued.

(f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:

1. A device has been approved following the inspection and witnessing of an acceptance test, as required by [N.J.A.C. 5:23-12.2](#), by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of occupancy or approval, as the case may be.

i. The date of the approval shall begin the cycle of inspections and tests for new devices in a new building and for new devices in an existing building which did not have elevator devices previously.

ii. The date of the approval of an existing device in an existing building shall not change the device's existing cycle of inspections and tests. The cycle shall remain consistent with the inspection cycle in the building, except the device shall not be subject to the five year test before it is due as long as the acceptance test performed under the permit was a full five year test.

2. A device has been approved following the inspection process, as required for minor work by [N.J.A.C. 5:23-2.17A\(d\)2](#) and 12.2, by the application of an Inspection Sticker of Approval for Elevator and a

recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

- i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to the applicable routine or periodic inspection the same as all other elevator devices in the building.

History

HISTORY:

New Rule, R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: [27 N.J.R. 1846\(a\)](#), [27 N.J.R. 3325\(b\)](#).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.1996 d.512, effective November 4, 1996.

See: [28 N.J.R. 3697\(a\)](#), [28 N.J.R. 4782\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (d), added R-5 to the list of groups in the first sentence and rewrote the second sentence.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

In (b), substituted "the inspection cycle" for "180 days, even if the device is inspected on an annual basis"; in (e), substituted "cyclical" for "routine", and inserted a comma following the second occurrence of "occupancy"; and in (f)2i, substituted "the applicable" for "a".

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§ 5:23-12.10 Inspections in seasonal facilities

(a) For purposes of this subchapter, a "seasonal facility" is defined as a building that is open, and available for use by members of the public, employees or maintenance personnel or any occupants, for a period of not more than 184 consecutive days and is then closed and not available for such use for at least 181 consecutive days.

(b) Elevator devices in seasonal facilities shall be subject only to the applicable periodic inspections and tests (one, three and five year). Such inspections and tests shall be performed prior to the building being used by employees, maintenance personnel, members of the public or occupants. A certificate of compliance or temporary certificate of compliance shall be granted only for the time period during which the device is allowed to operate in the seasonal facility.

1. The fees for performing such inspections and witnessing tests shall be in accordance with such provisions of [N.J.A.C. 5:23-12.6](#) as may be applicable.

(c) An owner of a building with one or more elevator devices may obtain classification of the building as a "seasonal facility" from the local enforcing agency. A request for such classification shall contain the information in (d) below and shall be signed by the owner.

(d) An application for classification of a building as a seasonal facility shall include the following information:

1. The owner's name and address, the building address, the registration number, the device identification number(s), and the date of the last inspection;
2. That the total number of consecutive calendar days per year when the building is in use by the public, employees, maintenance personnel or occupants does not exceed 184 days and that the building is then closed for such use for at least 181 consecutive calendar days;
3. That the elevator devices in the building are not accessible to members of the public, employees, maintenance personnel or building occupants during the time in which the building is closed; and
4. That the disconnects located in elevator device machine rooms and machinery spaces are, during the time in which the building is closed, in the "off" position and locked; and that the access to the keys is secured.

(e) The seasonal facility classification shall become invalid when the conditions of the classification are no longer met. The owner shall immediately notify the enforcing agency of any change in the conditions upon which the approval of classification as a seasonal facility was based.

1. Classification of a building as a seasonal facility shall not be renewed if the classification became invalid as a result of a violation of any conditions of the approval of the classification.

(f) During the period of time in which any device in seasonal facility is in operation, it shall be subject to all applicable code requirements in the same manner as any other device subject to this subchapter.

History

HISTORY:

New Rule, R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: [28 New Jersey Register 2112\(a\)](#), [28 New Jersey Register 3549\(a\)](#).

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§ 5:23-12.11 Notice concerning accidents

(a) Following an accident involving an elevator device, the owner of the building shall immediately notify the construction official, who shall immediately notify the elevator subcode official and the Department, when the accident meets at least one of the following conditions:

1. An accident involving an elevator device resulting in death or personal injury requiring medical treatment by a physician other than first aid.

i. For purposes of this section, "first aid" means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters or contusions, or a diagnostic procedure, including examination and x-rays, which does not indicate any need for further medical treatment. First aid may be performed by licensed medical personnel or by other persons; or

2. An accident involving an elevator device in which the device is damaged as either a result or cause of the accident and which affects the future safe operation of the elevator device.

(b) It shall be unlawful to use an elevator device involved in an accident under (a)1 or 2 above until after an examination by the elevator subcode official has been made and approval of the equipment for continued use has been granted.

(c) It shall be the duty of the construction official to ensure that a prompt examination is conducted into any contributing code violation and/or mechanical malfunction affecting the safety of operation and that a full and complete report is forwarded to the Department pursuant to (f) below. In order to make such determinations, the construction official may request assistance from the Department.

(d) It shall be unlawful to remove from the premises any part of the damaged construction or operating mechanism of elevators, or other equipment subject to the provisions of this chapter, until permission to do so has been granted by the construction official.

(e) Except as otherwise required by (a) above, the construction official shall notify the Elevator Safety Unit about any accident within five working days after the accident is reported to the enforcing agency, except that accidents involving devices under the Department's jurisdiction shall be reported as soon as possible, but not later than the end of the next business day after an accident is reported to the construction official.

(f) Within five working days after an accident involving a device not under the Department's jurisdiction is reported to the enforcing agency, a copy of the Accident/Incident Report form and all attachments, as indicated in the form, shall be forwarded to the Elevator Safety Unit by the construction official.

(g) When a special inspection is performed by a person other than the Elevator Safety Unit subcode official, a copy of the Inspection Report shall be forwarded to the Elevator Safety Unit within five working days after the date of the special inspection.

History

HISTORY:

New Rule, R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).

See: [28 N.J.R. 4695\(a\)](#), [29 N.J.R. 550\(a\)](#).

Amended by R.2007 d.231, effective August 6, 2007.

See: [39 N.J.R. 722\(a\)](#), [39 N.J.R. 3295\(a\)](#).

Rewrote (a); added (b) through (d); and recodified (a)1 through (a)3 as (e) through (g).

Administrative correction.

See: [40 N.J.R. 3991\(b\)](#).

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§ 5:23-12.12 Special safety equipment

(a) On all existing elevators, a space between the elevator hoistway door and the car door or gate shall comply with the requirements of Rule 204.4e of ASME A17.1-1990. Where the space exceeds the maximum distance, a space guard shall be installed to minimize the gap. Sight guards shall be installed along with the space guards on horizontally sliding type hoistway doors.

1. Freight elevators that are equipped with horizontally swinging doors, are not accessible to the general public, and are located in the factories, warehouses, garages, or similar buildings shall not be required to comply.

2. Installation of space and sight guards shall comply with all applicable requirements of ASME A17.3-1993 and shall be considered minor work within the meaning of [N.J.A.C. 5:23-2.17A](#).

(b) In buildings containing more than one elevator device, each such device shall be identified according to ASME A17.1, referenced in the building subcode.

1. In addition, each elevator shall be identified by such a number in every elevator lobby. The identification number shall be a minimum of 1 1/2 inches high and of a color that contrasts with the background. The number shall be permanent and shall be on or adjacent to every elevator hoistway entrance frame. By August 4, 2003, all existing elevators shall comply with this requirement. On all elevators installed on or after June 15, 2009, the identification number shall be a minimum of two inches high.

i. Exception: The identification number on newly installed destination-oriented elevators shall be in accordance with ICC/ANSI A117.1-2003, Section 407.2.3.2.

(c) On each existing escalator, a skirt obstruction device conforming to ASME A17.1-93-95, Rule 805.1.h. and a step level device conforming to ASME A17.1-93-95, Rule 805.1.s. shall be installed by August 4, 2003.

(d) On each existing elevator, a floating (movable) platform that permits the operation of the elevator when the car door or gate is not in the closed position shall be prohibited. Use of a floating (movable) platform that exists as of February 4, 2002 on any elevator shall be discontinued by August 4, 2003.

(e) A sign stating "DO NOT USE A STANDING ESCALATOR AS A BUILDING STAIR" shall be permanently placed where it is readily visible to the general public at the top and bottom landings of an escalator. This requirement shall apply to new escalator installations and to existing escalators. Each of such signs on existing escalators shall comply with the applicable requirements of ASME A17.1-93-95, Rule 805.2.b. Signs on newly installed escalators shall comply with the Additional Signs requirements of ASME A17.1 referenced in the building subcode. All existing escalators shall be required to comply with this subsection by August 18, 2004.

(f) A Yale 3502 key shall be used on all elevators that are required by the UCC to be equipped with a standardized fire service key.

History

HISTORY:

New Rule, R.1997 d.305, effective July 21, 1997.

See: [29 N.J.R. 2205\(a\)](#), [29 N.J.R. 3249\(a\)](#).

Amended by R.2002 d.43, effective February 4, 2002.

See: [33 N.J.R. 3714\(a\)](#), [34 N.J.R. 732\(b\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 219\(c\)](#).

Amended by R.2003 d.72, effective February 18, 2003.

See: [34 N.J.R. 3672\(a\)](#), [35 N.J.R. 1055\(a\)](#).

Added (e).

Amended by R.2003 d.187, effective May 5, 2003.

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

In (b), deleted "BOCA Rule 3003.3 and" preceding "ASME A17.1".

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Added (b)1i.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (a), substituted "Rule 204.4e" for "Rule 204.4c" and substituted "hoistway doors" for "hoistways"; and in (b)1, inserted the last sentence.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote (e).

Amended by R.2012 d.134, effective July 16, 2012.

See: [44 N.J.R. 613\(a\)](#), [44 N.J.R. 1970\(a\)](#).

Added (f).

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